

the exceptions listed in § 229.13 of the regulation. In disclosing that a longer delay may apply, a bank may disclose when funds will generally be available based on when the funds would be available if the deposit were of a nonlocal check.

5. *Model C-4 Holds to statutory limits on all deposits.* A bank may use this model when its policy is to impose delays to the full extent allowed under § 229.12 and to reserve the right to invoke the § 229.13 exceptions. In disclosing that a longer delay may apply, a bank may disclose when funds will generally be available based on when the funds would be available if the deposit were of a nonlocal check. Model C-4 uses a chart to show the bank's availability policy for local and nonlocal checks and Model C-5 uses a narrative description.

6. *Model C-5 Holds to statutory limits on all deposits.* A bank may use this model when its policy is to impose delays to the full extent allowed under § 229.12 and to reserve the right to invoke the § 229.13 exceptions. In disclosing that a longer delay may apply, a bank may disclose when funds will generally be available based on when the funds would be available if the deposit were of a nonlocal check.

C. Model Clauses, Models C-6 Through C-11

1. *Models C-6 through C-11 generally.* Certain clauses like those in the models must be incorporated into a bank's availability policy disclosure under certain circumstances. The commentary to each clause indicates when a clause similar to the model clause is required.

2. *Model C-6 Holds on other funds (check cashing).* A bank that reserves the right to place a hold on funds already on deposit when it cashes a check for a customer, as addressed in § 229.19(e), must incorporate this type of clause in its availability policy disclosure.

3. *Model C-7 Holds on other funds (other account).* A bank that reserves the right to place a hold on funds in an account of the customer other than the account into which the deposit is made, as addressed in § 229.19(e), must incorporate this type of clause in its availability policy disclosure.

4. *Model C-8 Appendix B availability (nonlocal checks).* A bank in a check processing region where the availability schedules for certain nonlocal checks have been reduced, as described in Appendix B of Regulation CC, must incorporate this type of clause in its availability policy disclosure. Banks using Model C-5 may insert this clause at the conclusion of the discussion titled "Nonlocal checks."

5. *Model C-9 Automated teller machine deposits (extended holds).* A bank that reserves the right to delay availability of deposits at nonproprietary ATMs until the fifth business day following the date of deposit, as permitted by § 229.12(f)(1), must incorporate this type of clause in its availability policy disclosure. A bank must choose among the alternative language based on how it chooses to differentiate between proprietary and nonproprietary ATMs, as required under § 229.16(b)(5).

6. *Model C-10 Cash withdrawal limitation.* A bank that imposes cash withdrawal limitations under § 229.12 must

incorporate this type of clause in its availability policy disclosure. Banks reserving the right to impose the cash withdrawal limitation and using Model C-3 should disclose that funds may not be available until the sixth (rather than fifth) business day in the first paragraph under the heading "Longer Delays May Apply."

7. *Model C-11 Credit union interest payment policy.* A credit union subject to the notice requirement of § 229.14(b)(2) must incorporate this type of clause in its availability policy disclosure. This model clause is only an example of a hypothetical policy. Credit unions may follow any policy for accrual provided the method of accruing interest is the same for cash and check deposits.

D. Model Notices, Models C-12 Through C-21

1. *Model Notices C-12 through C-21 generally.* Models C-12 through C-21 provide models for the various notices required by the regulation.

2. *Model C-12 Exception hold notice.* This model satisfies the written notice required under § 229.13(g) when a bank places a hold based on a § 229.13 exception. If the bank places the hold on other funds (see § 229.19(e)), the notice should be modified accordingly. If a hold is being placed on more than one check in a deposit, each check need not be described, but if different reasons apply, each reason must be indicated. A bank may use the actual date when funds will be available for withdrawal rather than the number of the business day following the day of deposit. A bank must incorporate in the notice the material set out in brackets if it imposes overdraft or returned check fees after invoking the reasonable cause exception under § 229.13(e).

3. *Model C-13 Reasonable cause hold notice.* This notice satisfies the written notice required under § 229.13(g) when a bank invokes the reasonable cause exception under § 229.13(e). If the bank places the hold on other funds (see § 229.19(e)), the notice should be modified accordingly. The notice provides the bank with a list of specific reasons that may be given for invoking the exception. If a hold is being placed on more than one check in a deposit, each check must be described separately, and if different reasons apply, each reason must be indicated. A bank may disclose its reason for doubting collectibility by checking the appropriate reason on the model. If the "Other" category is checked, the reason must be given. A bank may use the actual date when funds will be available for withdrawal rather than the number of the business day following the day of deposit. A bank must incorporate in the notice the material set out in brackets if it imposes overdraft or returned check fees after invoking the reasonable cause exception under § 229.13(e).

4. *Model C-14 One-time notice for large deposit and redeposited check exception holds.* This model satisfies the notice requirements of § 229.13(g)(2) concerning nonconsumer accounts. If the bank places the hold on other funds (see § 229.19(e)), the notice should be modified accordingly.

5. *Model C-15 One-time notice for repeated overdraft exception hold.* This

model satisfies the notice requirements of § 229.13(g)(3). If the bank places the hold on other funds (see § 229.19(e)), the notice should be modified accordingly.

6. *Model C-16 Case-by-case hold notice.* This model satisfies the notice required under § 229.16(c)(2) when a bank with a case-by-case hold policy imposes a hold on a deposit. If the bank places the hold on other funds (see § 229.19(e)), the notice should be modified accordingly. This notice does not require a statement of the specific reason for the hold, as is the case when a § 229.13 exception hold is placed. A bank may specify the actual date when funds will be available for withdrawal rather than the number of the business day following the day of deposit when funds will be available. A bank must incorporate in the notice the material set out in brackets if it imposes overdraft fees after invoking a case-by-case hold.

7. *Model C-17 Notice at locations where employees accept consumer deposits and Model C-18 Notice at locations where employees accept consumer deposits (case-by-case holds).* These models satisfy the notice requirement of § 229.18(b). Model C-17 reflects an availability policy of holds to statutory limits on all deposits, and Model C-18 reflects a case-by-case availability policy.

8. *Model C-19 Notice at automated teller machines.* This model satisfies the ATM notice requirement of § 229.18(c)(1).

9. *Model C-20 Notice at automated teller machines (delayed receipt).* This model satisfies the ATM notice requirement of § 229.18(c)(2) when receipt of deposits at off-premises ATMs is delayed under § 229.19(a)(4). It is based on collection of deposits once a week. If collections occur more or less frequently, the description of when deposits are received must be adjusted accordingly.

10. *Model C-21 Deposit slip notice.* This model satisfies the notice requirements of § 229.18(a) for deposit slips.

By order of the Board of Governors of the Federal Reserve System, May 15, 1996.

William W. Wiles,
Secretary of the Board.

[FR Doc. 96-13880 Filed 5-31-96; 8:45 a.m.]

BILLING CODE 8210-01-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 250

[Docket No. OST-96-1255 Notice 96-7]

RIN 2105-AC45

Oversales Signs

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department proposes to eliminate a consumer notice about airline oversales that is required to appear on signs at airports, city ticket offices, and travel agencies, on the basis that the information will continue to be

available through other means. This action is taken on the Department's initiative, as a result of the President's Regulatory Reinvention Initiative.

DATES: Comments on the issues discussed in this document should be received by July 18, 1996. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Comments should be sent to Docket Clerk, Docket No. OST-96-1255, Room PL-401, Department of Transportation, 400 Seventh Street SW, Washington, DC 20590. For the convenience of persons who will be reviewing the docket, it is requested that commenters provide an original and three copies of their comments. Comments can be inspected from 10:00 a.m. to 5:00 p.m. at the address listed for mailing comments. Commenters who wish the receipt of their comments to be acknowledged should include a stamped, self-addressed postcard with their comments. The docket clerk will date-stamp the postcard and mail it to the commenter. Comments should be on 8½ by 11 inch white paper using dark ink and should be without tabs and unbound.

An electronic version of this notice of proposed rulemaking will be available at <http://www.dot.gov/dotinfo/general/rules/aviation.html> shortly after publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Tim Kelly, Aviation Consumer Protection Division, Office of Aviation Enforcement and Proceedings, Office of the General Counsel, Department of Transportation, 400 Seventh Street SW, Room 4107, Washington, DC 20590, telephone (202) 366-5952.

SUPPLEMENTARY INFORMATION: Airlines overbook (accept more reservations than there are seats on a flight) in order to compensate for "no shows" (passengers with confirmed reservations who do not show up for their flight and do not cancel their reservation). Overbooking fills seats that would otherwise go empty, thus keeping load factors up and fares down. It also allows more passengers to obtain reservations on the flight of their choice.

The Department of Transportation (Department or DOT) allows overbooking but regulates it; see 14 CFR Part 250. Section 250.11(a) of this regulation requires U.S. and foreign air carriers and travel agencies to display a notice about overbooking at every desk or position in the United States where tickets are sold. (The original document adopting this rule can be found at 42 FR 4222, March 4, 1977.) The notice must be in boldface type at least one-fourth of an inch high, and must read as follows:

Notice—Overbooking of Flights

Airline flights may be overbooked, and there is a slight chance that a seat will not be available on a flight for which a person has a confirmed reservation. If the flight is overbooked, no one will be denied a seat until airline personnel first ask for volunteers willing to give up their reservation in exchange for a payment of the airline's choosing. If there are not enough volunteers the airline will deny boarding to other persons in accordance with its particular boarding priority. With few exceptions persons denied boarding involuntarily are entitled to compensation. The complete rules for the payment of compensation and each airline's boarding priorities are available at all airport ticket counters and boarding locations. Some airlines do not apply these consumer protections to travel from some foreign countries, although other consumer protections may be available. Check with your airline or your travel agent.

The oversale protections of Part 250 do not apply to inbound international flights to the United States. Section 250.11(e) states that any U.S. or foreign air carrier that chooses to fully comply with Part 250 on inbound international flights to the United States need not use the last two sentences of the above § 250.11(a) notice.

In his Regulatory Reinvention Initiative Memorandum of March 4, 1995, President Clinton directed Federal agencies to conduct a page-by-page review of all of their regulations and to "eliminate or revise those that are outdated or otherwise in need of reform." In response to that directive, the Department has undertaken a review of its aviation economic and consumer regulations as contained in 14 CFR Chapter II. This rulemaking is one result of those efforts. Other rulemakings will address other regulations.

Section 250.11(b) requires that the text of the oversales sign also appear on a notice that must accompany every ticket, and we plan to leave this ticket notice requirement in place. The Department has tentatively decided that it is no longer necessary to require this notice both on signs and in tickets, and consequently we are proposing to eliminate the requirement for the oversales sign for carriers and travel agencies that provide the ticket notice. Most carriers that offer "ticketless" transportation send passengers a copy of the consumer notices required by DOT rules, including the § 250.11(b) notice.¹

¹ On January 19, 1996, the Department published a Federal Register notice seeking comment on the issue of passenger notices as applied to ticketless travel. See 61 FR 1309; also available on the World Wide Web at <http://www.dot.gov/dotinfo/general/rules/aviation.html>. The comment period for that Notice ended March 19, 1996. After examining the comments in that proceeding, the Department will determine, among other things, whether "ticket" in

Where a carrier does not provide this notice in writing to each customer, however, the notice would have to continue to appear on signs at locations where that carrier sells tickets, e.g. airports and city ticket offices.

We have decided to propose elimination of the sign rather than the ticket notice because the ticket notice is normally provided earlier in the process, and it is a record that the passenger can retain. At airports, the oversales sign is sometimes placed in locations where it is difficult to read. In addition, there have been occasional objections from airports over the placement of required signage. Eliminating the requirement for the sign should be particularly beneficial to the more than 45,000 travel agencies in the United States, many of whom are small businesses.

This revision should not impair consumer protection. Air travelers will continue to receive the same information via ticket notices. In addition, § 250.9 requires carriers to give a lengthier written handout to anyone who is actually denied boarding, and to anyone else who requests this handout. (The ticket notice makes reference to this handout.) Finally, the substantive consumer protections of Part 250 continue to apply even where specific passengers might not receive notice about those protections. In other words, during an oversale situation, carriers are under an affirmative obligation to solicit volunteers and pay compensation to all eligible passengers who are denied boarding involuntarily, not simply those who request these services as a result of reading a notice.

As indicated above, the ticket notice requirement in § 250.11(b) is being retained. The text of the ticket notice is not contained in current § 250.11(b); instead, because the text of the ticket notice and the sign is identical, current § 250.11(b) (the ticket notice provision) incorporates the notice text by reference to the text in § 250.11(a) (the sign provision). Because § 250.11(a) is being eliminated, we are proposing to move the text of the ticket notice to § 250.11(b). We are also proposing to change the word "notices" in the first sentence of current § 250.11(b) to "notice"; the singular form is more accurate and is the form used in the remainder of current § 250.11(b). Finally, we are proposing to remove the word "station" from the phrase "desk,

the context of currently required ticket notices would include air transportation sold without a conventional paper ticket and, consequently, whether the existing rules require ticketless sales to be accompanied by the passenger notices that are currently required to be included on or with tickets.

station or position" in current § 250.11(a) (proposed § 250.11(b)) because it is confusing. This provision refers to an individual staffed counter position, whereas the airlines use "station" to refer to a carrier's entire operation at a particular city.

We are also taking this opportunity to propose changes to certain outdated language in Part 250. We are proposing to change references to the Civil Aeronautics Board, our predecessor in aviation economic regulation, to the Department of Transportation. Citations to sections of the Federal Aviation Act shall be changed to reflect the current section numbers of these statutory provisions in the United States Code, as a result of a 1994 recodification which absorbed that Act directly into the U.S. Code and renumbered its sections. A statutory change that occurred at the time of this recodification incorporated "overseas air transportation" into "interstate air transportation" and eliminated the former term, and we are proposing to make corresponding changes to the term "overseas air transportation" wherever it occurs in Part 250.

Regulatory Analyses and Notices

This NPRM is considered to be a non-significant rulemaking under DOT's regulatory policies and procedures, 44 FR 11034. The NPRM was not subject to review by the Office of Information and Regulatory Affairs pursuant to Executive Order 12866.

The proposal would have minimal economic impact, and accordingly no regulatory evaluation has been prepared. The principal impact will be that several dozen air carriers and more than 45,000 travel agencies, many of whom are small businesses, will no longer have to display this sign. The economic impact is difficult to quantify. There has been no continuing direct cost associated with display of the signs, and thus elimination of this requirement will not produce an immediate monetary savings. Some carriers may choose not to incur the labor cost of removing signs, particularly since the information on the sign is still accurate. The major economic benefit will result from the fact that this sign will not have to be erected at future airline and travel agency locations. That will bring about both material and labor savings.

The NPRM has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

While the proposal would benefit a large number of small businesses, I certify that the proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 14 CFR Part 250

Air carriers. Consumer protection.

For the reasons set forth above, the Department proposes to amend title 14, chapter II, subchapter A, part 250 as follows:

PART 250—[AMENDED]

1. The authority citation for part 250 would continue to read as follows:

Authority: 49 U.S.C. chapters 401, 411, 413, 417.

2. In § 250.1, revise the definition of "Carrier" to read as follows:

§ 250.1 Definitions.

* * * * *

Carrier means

(1) A direct air carrier, except a helicopter operator, holding a certificate issued by the Department of Transportation pursuant to 49 U.S.C. 41102 (formerly sections 401(d)(1), 401(d)(2), 401(d)(5) and 401(d)(8) of the Federal Aviation Act of 1958), or an exemption from 49 U.S.C. 41101 (formerly section 401(a) of the Act), authorizing the transportation of persons, or

(2) A foreign route air carrier holding a permit issued by the Department pursuant to 49 U.S.C. 41301 through 41306 (formerly section 402 of the Act), or an exemption from the appropriate provision of 49 U.S.C. 41301 through 41306, authorizing the scheduled foreign air transportation of persons.

§ 250.2 [Amended]

* * * * *

3. In § 250.2, remove the words "or overseas."

§ 250.2 [Amended]

4. In § 250.2(b), remove the word "Board" in the last sentence and add in its place "DOT."

§ 250.4 [Amended]

5. In § 250.4(c), remove "the Board" and add in its place "DOT."

§ 250.5 [Amended]

6. In § 250.5(a), remove the words "and overseas" in the last sentence.

§ 250.9 [Amended]

7. In § 250.9(b), in the subsection entitled Compensation for Denied Boarding, remove the phrase "Civil Aeronautics Board" and add in its place "Department of Transportation."

§ 250.9 [Amended]

8. In § 250.9(b), in the subsection entitled Amount of Denied Boarding Compensation, remove "the CAB" and add in its place "DOT."

§ 250.11 [Amended]

9. Section 250.11(a) is removed and reserved.

10. Paragraph (b) of § 250.11 is revised to read as follows:

§ 250.11 Public disclosure of deliberate overbooking and boarding procedure

* * * * *

(b) Every carrier shall include with each ticket sold in the United States the following notice, printed in at least 12-point type. The notice may be printed on a separate piece of paper, on the ticket stock, or on the ticket envelope. The last two sentences of the notice shall be printed in a typeface contrasting with that of the rest of the notice.

Notice—Overbooking of Flights

Airline flights may be overbooked, and there is a slight chance that 8 seat will not be available on a flight for which a person has a confirmed reservation. If the flight is overbooked, no one will be denied a seat until airline personnel first ask for volunteers willing to give up their reservation in exchange for a payment of the airline's choosing. If there are not enough volunteers the airline will deny boarding to other persons in accordance with its particular boarding priority. With few exceptions persons denied boarding involuntarily are entitled to compensation. The complete rules for the payment of compensation and each airline's boarding priorities are available at all airport ticket counters and boarding locations. Some airlines do not apply these consumer protections to travel from some foreign countries, although other consumer protections may be available. Check with your airline or your travel agent.

A "ticketless" carrier that does not provide a copy of this notice to passengers in writing in conjunction with air transportation purchased in the United States must display this notice continuously on a sign in a conspicuous public place at each desk and position in the United States staffed by its employees or its contractor (not including travel agencies) to sell transportation to passengers. The notice must be clearly visible and clearly readable to the traveling public and must be in boldface type at least one-fourth of an inch high.

§ 260.11 [Amended]

11. In § 250.11(c), remove the phrase "paragraphs (a) and (b) of this section" and add in its place "paragraph (b) of this section."

§ 250.12 [Amended]

12. In § 250.11(e), remove "notices" and add in its place "notice" and remove the phrase "paragraph (a) of this subsection" and add in its place "paragraph (b) of this section."

Issued this 1st day of April, 1996 at Washington, D.C.

Charles A. Hunnicutt,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 96-13815 Filed 5-31-96; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****25 CFR Part 1**

RIN 1076-AD64

Applicability of the Rules of the Bureau of Indian Affairs

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is proposing to amend the applicability of rules to make them more readable and comprehensive by rewriting them in plain English.

DATES: Comments must be received on or before August 2, 1996.

ADDRESSES: Mail or hand carry comments to James McDivitt, Acting Director, Office of Management and Administration, Bureau of Indian Affairs, Department of the Interior, 1849 C St. NW, Mail Stop 4657-MIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dave Etheridge, Office of Secretary at telephone (202) 208-4361.

SUPPLEMENTARY INFORMATION: We are publishing this proposed rule by the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Public Participation Statement

Our policy is to give the public an opportunity to participate in the rulemaking process by submitting written comments regarding the proposed rules. We will consider all comments received during the public comment period. We will determine necessary revisions and issue the final rule. Please refer to this preamble's **ADDRESSES** section for where you must submit your written comments on this proposed rule.

Executive Order 12778

The Department has certified to the Office of Management and Budget (OMB) that these proposed regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778.

Executive Order 12866

This proposed rule is not a significant regulatory action under Executive Order 12866 and has not been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This proposed rule will determine the funding levels to be awarded to tribes for the purposes of creating new or enhancing and improving existing tribal court systems. In the event a tribe elects to receive funding, there are likely to be improvements in the exercise of civil jurisdiction by tribes. This improvement may increase the rate of civil collections by private economic enterprises operating on or near Indian reservations. In addition, there may be an increase in the number of civil claims made against private economic enterprises.

Executive Order 12630

The Department has determined that this proposed rule does not have significant "takings" implications. The proposed rule does not pertain to "taking" of private property interests, nor does it impact private property.

Executive Order 12612

The Department has determined that this proposed rule does not have significant federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights and responsibilities of states.

NEPA Statement

The Department has determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act.

Unfunded Mandates

This rule imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the *Unfunded Mandates Act of 1995*.

Paperwork Reduction Act of 1995

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of the Interior has submitted a copy of these sections to the Office of Management and Budget (OMB) for its review.

Drafting Information

The primary author of this document was Kimberly Toyekoyah, Bureau of Indian Affairs, Department of the Interior.

List of Subjects in 25 CFR Part 1

Indians—land.

For the reasons given in the preamble, Part 1 of Title 25, Chapter I of the Code of Federal Regulations is proposed to be revised as set forth below.

PART 1—APPLICABILITY OF RULES OF THE BUREAU OF INDIAN AFFAIRS**Sec.**

- 1.1 Waiver of regulations.
- 1.2 State and local regulation of the use of Indian property.

Authority: 5 U.S.C. 301; RS 463 25 U.S.C. 2.

§ 1.1 Waiver of regulations.

The Secretary of the Interior may waive or make exception to any provision in Chapter I of Title 25 of the Code of Federal Regulations if the Secretary finds that it:

- (a) Is in the best interest of the Indians; and
- (b) Would not violate any federal statute or the United States Constitution.

§ 1.2 State and local regulation of the use of Indian property.

(a) Except as provided in paragraph (b) of this section or in a federal statute, no restriction based on the law of any state or any subdivision of a state **applies to the use of any property** (including water rights) that is either:

- (1) Held by the United States in trust for an Indian or Indian tribe; or
 - (2) Owned by an Indian or Indian tribe subject to a restriction against alienation imposed by the United States.
- (b) When the Secretary of the Interior finds that it is in the best interest of the Indian owner in achieving the highest and best use of the property, the Secretary may make a restriction based on the law of a state or a subdivision of a state applicable to specific property that is:

- (1) Held by the United States in trust for an Indian or Indian tribe;
- (2) Owned by an Indian or Indian tribe subject to a restriction against alienation imposed by the United States.

4910-62-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 250

[Docket No. OST-96-1255 Notice 96-7]

RIN 2105-AC45

Oversales Signs

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department proposes to eliminate a consumer notice about airline oversales that is required to appear on signs at airports, city ticket offices, and travel agencies, on the basis that the information will continue to be available through other means. This action is taken on the Department's initiative, as a result of the President's Regulatory Reinvention Initiative.

DATES: Comments on the issues discussed in this document should be received by [insert date 45 days after publication in Federal Register]. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Comments should be sent to Docket Clerk, Docket No. OST-96-1255, Room PL-401, Department of Transportation, 400 Seventh Street SW, Washington, DC 20590. For the convenience of persons who will be reviewing the docket, it is requested that commenters provide an original and three copies of their comments. Comments can be inspected from 10:00 a.m. to 5:00 p.m. at the address listed for mailing comments. Commenters who wish the receipt of their comments to be acknowledged should include a stamped, self-addressed postcard with their comments. The docket clerk will date-stamp

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FOR FURTHER INFORMATION CONTACT: Tim Kelly, Aviation Consumer Protection Division, Office of Aviation Enforcement and Proceedings, Office of the General Counsel, Department of Transportation, 400 Seventh Street SW, Room 4107, Washington, DC 20590, telephone (202) 366-5952.

SUPPLEMENTARY INFORMATION:

Airlines overbook (accept more reservations than there are seats on a flight) in order to compensate for "no shows" (passengers with confirmed reservations who do not show up for their flight and do not cancel their reservation). Overbooking fills seats that would otherwise go empty, thus keeping load factors up and fares down. It also allows more passengers to obtain reservations on the flight of their choice.

The Department of Transportation (Department or DOT) allows overbooking but regulates it; see 14 CFR Part 250. Section 250.11(a) of this regulation requires U.S. and foreign air carriers and travel agencies to display a notice about overbooking at every desk or position in the United States where tickets are sold. (The original document adopting this rule can be found at 42 FR 12422, March 4, 1977.) The notice must be in boldface type at least one-fourth of an inch high, and must read as follows:

NOTICE—OVERBOOKING OF FLIGHTS

Airline flights may be overbooked, and there is a slight chance that a seat will not be available on a flight for which a person has a confirmed reservation. If the flight is overbooked,

no one will be denied a seat until airline personnel first ask for volunteers willing to give up their reservation in exchange for a payment of the airline's choosing. If there are not enough volunteers the airline will deny boarding to other persons in accordance with its particular boarding priority. With few exceptions persons denied boarding involuntarily are entitled to compensation. The complete rules for the payment of compensation and each airline's boarding priorities are available at all airport ticket counters and boarding locations. Some airlines do not apply these consumer protections to travel from some foreign countries, although other consumer protections may be available. Check with your airline or your travel agent.

The oversale protections of Part 250 do not apply to inbound international flights to the United States. Section 250.11(e) states that any U.S. or foreign air carrier that chooses to fully comply with Part 250 on inbound international flights to the United States need not use the last two sentences of the above §250.11(a) notice.

In his Regulatory Reinvention Initiative Memorandum of March 4, 1995, President Clinton directed Federal agencies to conduct a page-by-page review of all of their regulations and to "eliminate or revise those that are outdated or otherwise in need of reform." In response to that directive, the Department has undertaken a review of its aviation economic and consumer regulations as contained in 14 CFR Chapter II. This rulemaking is one result of those efforts. Other rulemakings will address other regulations.

Section 250.11(b) requires that the text of the oversales sign also appear on a notice that must accompany every ticket, and we plan to leave this ticket notice requirement in place. The Department has tentatively decided that it is no longer necessary to require this notice both on signs and in tickets, and consequently we are proposing to eliminate the requirement for the oversales sign for carriers and travel agencies that provide the ticket notice. Must carriers that offer "ticketless" transportation send passengers a copy of the consumer notices required by DOT rules, including the §250.11(b) notice.¹ Where

¹ On January 19, 1996, the Department published a Federal Register notice seeking comment on the issue of passenger notices as applied to ticketless travel. See 61 FR 1309; also available on the World Wide

a carrier does not provide this notice in writing to each customer, however, the notice would have to continue to appear on signs at locations where that carrier sells tickets, e.g. airports and city ticket offices.

We have decided to propose elimination of the sign rather than the ticket notice because the ticket notice is normally provided earlier in the process, and it is a record that the passenger can retain. At airports, the oversales sign is sometimes placed in locations where it is difficult to read. In addition, there have been occasional objections from airports over the placement of required signage. Eliminating the requirement for the sign should be particularly beneficial to the more than 45,000 travel agencies in the United States, many of whom are small businesses.

This revision should not impair consumer protection. Air travelers will continue to receive the same information via ticket notices. In addition, §250.9 requires carriers to give a lengthier written handout to anyone who is actually denied boarding, and to anyone else who requests this handout. (The ticket notice makes reference to this handout.) Finally, the substantive consumer protections of Part 250 continue to apply even where specific passengers might not receive notice about those protections. In other words, during an oversale situation, carriers are under an affirmative obligation to solicit volunteers and pay compensation to all eligible passengers who are denied boarding involuntarily, not simply those who request these services as a result of reading a notice.

Web at <http://www.dot.gov/dotinfo/general/rules/aviation.html>. The comment period for that Notice ended March 19, 1996. After examining the comments in that proceeding, the Department will determine, among other things, whether "ticket" in the context of currently required ticket notices would include air transportation sold without a conventional paper ticket and, consequently, whether the existing rules require ticketless sales to be accompanied by the passenger notices that are currently required to be included on or with tickets.

As indicated above, the ticket notice requirement in §250.11(b) is being retained. The text of the ticket notice is not contained in current §250.11(b); instead, because the text of the ticket notice and the sign is identical, current §250.11(b) (the ticket notice provision) incorporates the notice text by reference to the text in §250.11(a) (the sign provision). Because §250.11(a) is being eliminated, we are proposing to move the text of the ticket notice to §250.11(b). We are also proposing to change the word “notices” in the first sentence of current §250.11(b) to “notice”; the singular form is more accurate and is the form used in the remainder of current §250.11(b). Finally, we are proposing to remove the word “station” from the phrase “desk, station or position” in current §250.11(a) (proposed §250.11(b)) because it is confusing. This provision refers to an individual staffed counter position, whereas the airlines use “station” to refer to a carrier’s entire operation at a particular city.

We are also taking this opportunity to propose changes to certain outdated language in Part 250. We are proposing to change references to the Civil Aeronautics Board, our predecessor in aviation economic regulation, to the Department of Transportation. Citations to sections of the Federal Aviation Act shall be changed to reflect the current section numbers of these statutory provisions in the United States Code, as a result of a 1994 recodification which absorbed that Act directly into the U.S. Code and renumbered its sections. A statutory change that occurred at the time of this recodification incorporated “overseas air transportation” into “interstate air transportation” and eliminated the former term, and we are proposing to make corresponding changes to the term “overseas air transportation” wherever it occurs in Part 250.

REGULATORY ANALYSES AND NOTICES

This NPRM is considered to be a non-significant rulemaking under DOT's regulatory policies and procedures, 44 FR 11034. The NPRM was not subject to review by the Office of Information and Regulatory Affairs pursuant to Executive Order 12866.

The proposal would have minimal economic impact, and accordingly no regulatory evaluation has been prepared. The principal impact will be that several dozen air carriers and more than 45,000 travel agencies, many of whom are small businesses, will no longer have to display this sign. The economic impact is difficult to quantify. There has been no continuing direct cost associated with display of the signs, and thus elimination of this requirement will not produce an immediate monetary savings. Some carriers may choose not to incur the labor cost of removing signs, particularly since the information on the sign is still accurate. The major economic benefit will result from the fact that this sign will not have to be erected at future airline and travel agency locations. That will bring about both material and labor savings.

The NPRM has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

While the proposal would benefit a large number of small businesses, I certify that the proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

LIST OF SUBJECTS IN 14 CFR PART 250

Air carriers, Consumer protection.

Fur the reasons set forth above, the Department proposes to amend title 14, chapter II, subchapter A, part 250 as follows:

Part 250 -- [Amended]

1. The authority citation fur part 250 would continue to read as follows:

Authority: 49 U.S.C. chapters 401, 411, 413, 411,

2. In §250. I, revise the definition of “Carrier” to read as follows:

§250. I Definitions.

Carrier means (1) a direct air carrier, except a helicopter operator, holding a certificate issued by the Department of Transportation pursuant to 49 U.S.C. 41102 (formerly sections 401(d)(1), 401(d)(2), 401(d)(5) and 401(d)(8) of the Federal Aviation Act of 1958), or an exemption from 49 U.S.C. 41101 (formerly section 401(a) of the Act), authorizing the transportation of persons, or (2) a foreign route air carrier holding a permit issued by the Department pursuant to 49 U.S.C. 41301 through 41306 (formerly section 402 of the Act), or an exemption from the appropriate provision of 49 U.S.C. 41301 through 41306, authorizing the scheduled foreign air transportation of persons.

3. In §250.2, remove the words “or overseas.”

4. In §250.2b(b), remove the word “Board” in the last sentence and add in its place “DOT.”

5. In §250.4(c), remove “the Board” and add in its place “DOT.”

6. In §250.5(a), remove the words “and overseas” in the last sentence.

7. In §250.9(b), in the subsection entitled *Compensation for Denied Boarding*, remove the phrase “Civil Aeronautics Board” and add in its place “Department of Transportation.”

8. In §250.9(b), in the subsection entitled *Amount of Denied Boarding Compensation*, remove “the CAB” and add in its place “DOT.”

9. Section 250.11(a) is removed and reserved.

10. Paragraph (b) of §250.11 is revised to read as follows:

§250.11 Public disclosure of deliberate overbooking and boarding procedures.

* * * * *

(b) Every carrier shall include with each ticket sold in the United States the following notice, printed in at least 12-point type. The notice may be printed on a separate piece of paper, on the ticket stuck, or on the ticket envelope. The last two sentences of the notice shall be printed in a typeface contrasting with that of the rest of the notice.

NOTICE—OVERBOOKING OF FLIGHTS

Airline flights may be overbooked, and there is a slight chance that a seat will not be available on a flight for which a person has a confirmed reservation. If the flight is overbooked, no one will be denied a seat until airline personnel first ask for volunteers willing to give up their reservation in exchange for a payment of the airline's choosing. If there are not enough volunteers the airline will deny boarding to other persons in accordance with its particular boarding priority. With few exceptions persons denied boarding involuntarily are entitled to compensation. The complete rules for the payment of compensation and each airline's boarding priorities are available at all airport ticket counters and boarding locations. Some airlines do not apply these consumer protections to travel from some foreign countries, although other consumer protections may be available. Check with your airline or your travel agent.

A “ticketless” carrier that does not provide a copy of this notice to passengers in writing in conjunction with air transportation purchased in the United States must display this notice continuously on a sign in a conspicuous public place at each desk and position in the United States staffed by its employees or its contractor (not including travel agencies) to sell transportation to passengers. The notice must be clearly visible and clearly readable to the traveling public and must be in boldface type at least one-fourth of an inch high.

11. In §250.11(c), remove the phrase “paragraphs (a) and (b) of this section” and add in its place “paragraph (b) of this section.”

12. In §250.11(e), remove “notices” and add in its place “notice” and remove the phrase “paragraph (a) of this subsection” and add in its place “paragraph (b) of this section.”

Issued this 1st day of April, 1996 at Washington, D.C.

Charles A. Hunnicutt
Assistant Secretary for Aviation and International Affairs